

Budget Request for a Juvenile Judicial Officer in Sixth District

Supplemental Analysis

Juvenile Judicial Weighted Caseload

Fiscal Year (FY) 21 Report

The methodology and case weights for the Juvenile Judicial Weighted Caseload were revised and updated in 2020 to align with statutory, policy, and practice changes affecting the work of juvenile court judges. The 2020 modifications in the juvenile study were the first significant changes to the methodology and case weights since 2010.

The FY21 Juvenile Judicial Weighted Caseload report (see Appendix) indicates an overall statewide need for 1.6 juvenile court judges, including the need for .6 of an additional juvenile court judge in the Sixth District. The only juvenile court judge in the Sixth District currently carries a 158% workload (total hours needed/total available hours).

Multi-year Data

Ideally, several years of data demonstrating a sustained need for additional judicial officer(s) should be presented in support of a budget request for a new judicial officer. Unfortunately, accurate multi-year data to support the Sixth District's request is not available. All workload studies were paused in the Utah Courts for FY20 due to (1) the pandemic and (2) the review of weighted caseload methodologies by the National Center for State Courts (NCSC). Additionally, the juvenile weighted caseload reports in prior fiscal years used outdated case weights, thus rendering the comparison of the FY21 report with the reports in prior years inappropriate and inaccurate. Consequently, only one year of data is available to support the Sixth District's request for a juvenile judicial officer.

Need Analysis

The FY21 Judicial Weighted Caseload reports (see Appendix) indicate a higher need for judicial officers in the Third Juvenile (.7), Fourth Juvenile (1.7), and Third District (1.9) courts. While the number of judicial officers needed per the weighted caseload report is important to consider, the need should also be evaluated relative to the total number of judicial officers in the district.

Chart 1 "Need vs. Excess" per judge (Juvenile Court Judges)

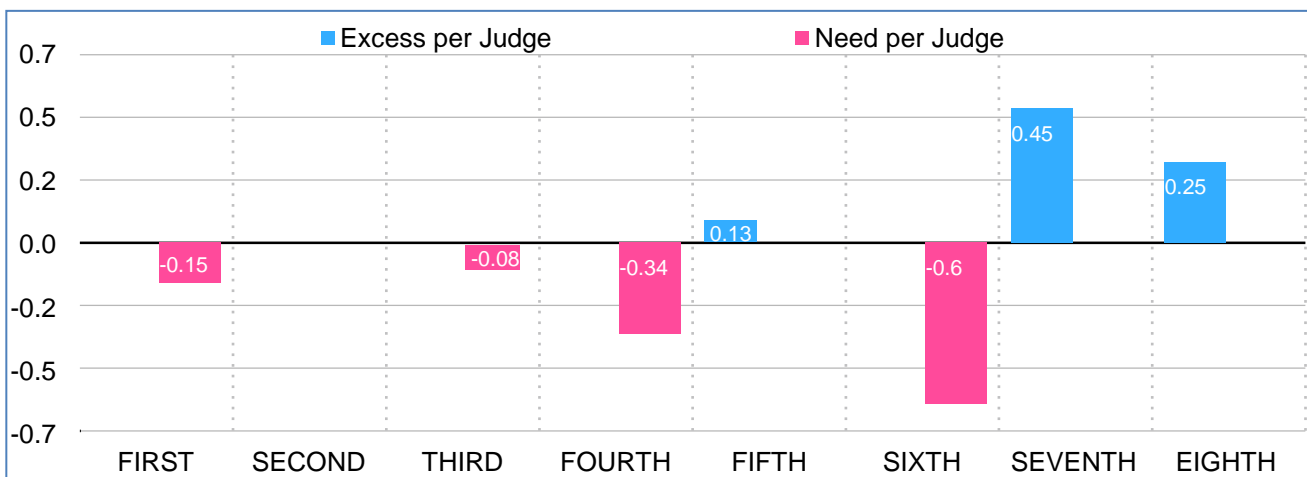
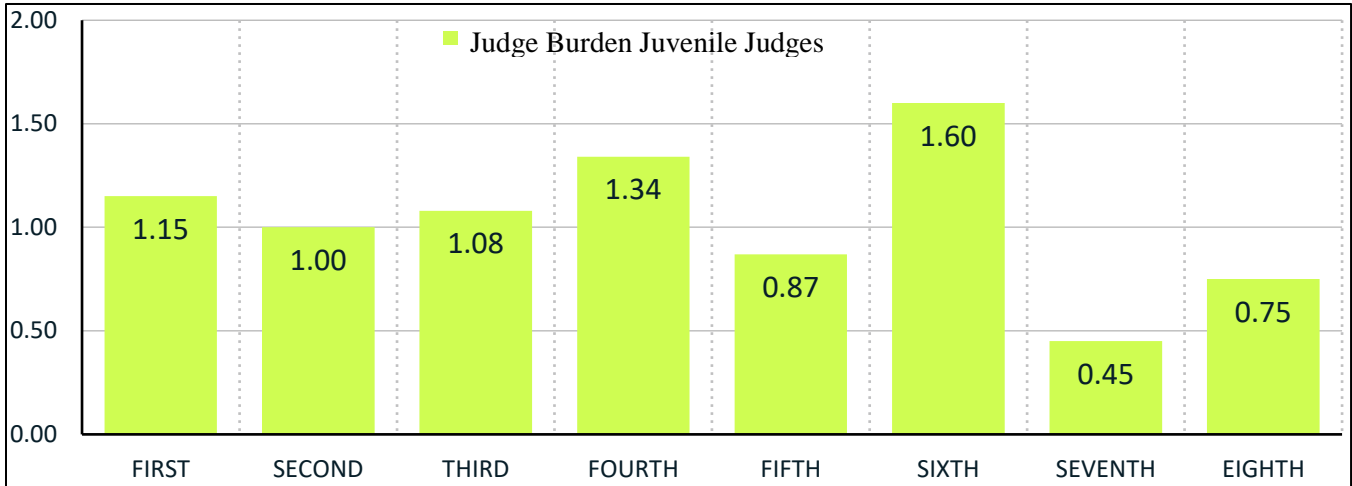
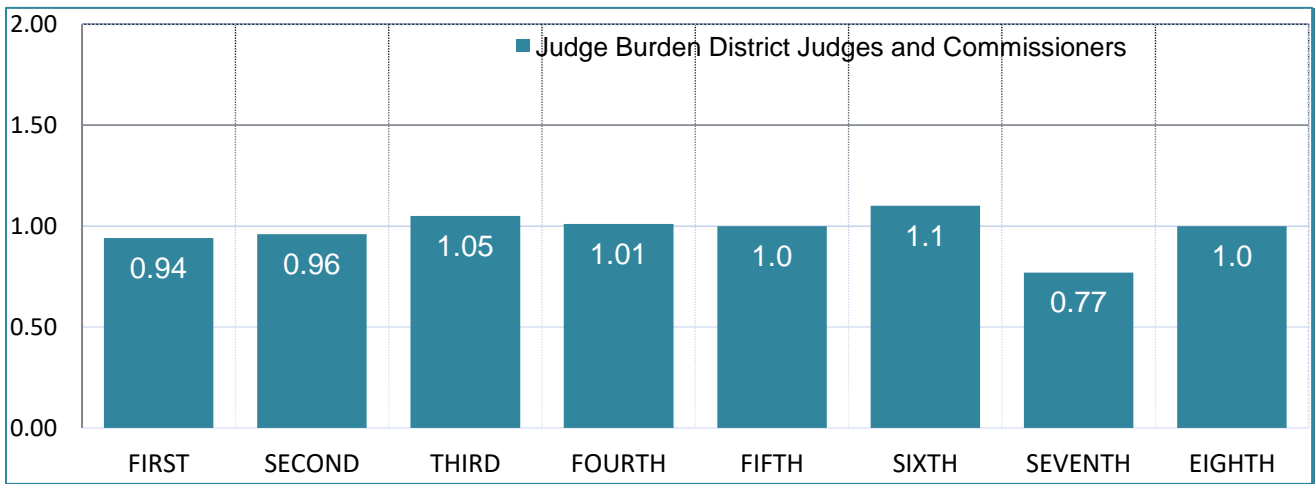


Chart 2 “Judge Burden” per judge (Juvenile Court judges)



A similar analysis of the need, excess, and burden per judge among the district court judges and commissioners indicates a significantly more balanced “per judge” burden due to the higher number of judicial officers in districts showing a need for additional judicial officers.

Chart 3 “Judge Burden” per judge (District Court Judges & Commissioners)



Considerations Unique to the Sixth District

District Size

The Sixth District encompasses six counties, presenting unique challenges with one juvenile court judge handling court hearings in numerous locations. Prior to the pandemic, travel time and coordination of court calendars in six different counties required frequent and ongoing cross-court level coverage. District court judges cover some juvenile court cases; the juvenile court judge conducts the adult specialty court in Sanpete County, domestic calendar in Kane County, and civil and domestic calendars in Piute, Wayne, and Garfield Counties.

While the cross-court level assistance by judicial officers and judicial teams is commendable and has been an effective measure in serving court clients across the six counties, the logistical and workload challenges should not be overlooked. Additionally, the District Court Judicial Weighted Caseload report indicates a need of .2 judicial officers in the Sixth District Court, further illustrating the

challenges of cross-court level assistance implemented within the district.

Other Factors

- A 180% increase in Child Welfare Cases in Sixth District over the last six years
- Potentially negative impact on compliance with statutorily required timelines due to the lack of available court dates for child welfare hearings
- Sustained population growth in Sanpete and Sevier Counties
- Anticipated legislation that would expand juvenile court jurisdiction for offenses committed by individuals over the age of 18

Alternative Solutions and Implications

If the request for a new juvenile judicial officer in the Sixth District is not approved, the following alternative measures could be implemented to mitigate the need for an additional judicial officer and/or to provide assistance to the juvenile court:

1. The juvenile court judge in the Sixth District could exclusively handle juvenile court cases with occasional exceptions in covering district court cases.

The juvenile court judge spends approximately 20% of his available judicial time on district court work. Distributing this work among the two district court judges would decrease the overall workload of the juvenile court judge and increase his availability for juvenile court hearings. This has been recently and partially implemented in the Sixth District with district court judges taking back some of the domestic calendars previously covered by the juvenile court judge.

Practical and Logistical Limitations:

- The FY21 District Court Judicial Weighted Caseload report indicates a need for .2 judicial officers in the Sixth District Court. Increasing the workload of two district court judges by another 20% (currently handled by the juvenile court judge) may be overly arduous considering their current workload and the additional travel time for district court judges to cover the calendars in multiple counties.
- The juvenile court workload of the one juvenile court judge would remain at 158%.

2. Continue holding remote juvenile court hearings as appropriate.

The Board of Juvenile Court Judges drafted guidelines on the types of juvenile court hearings that could be conducted remotely post-pandemic. The Sixth District could use the guidelines to permanently hold select juvenile court calendars virtually, thus reducing the travel time for the juvenile court judge while correspondingly increasing the number of hours available for preparation and hearings.

Practical and Logistical Limitations: While conducting hearings remotely certainly reduces travel time and increases the time available for hearings, there are also challenges and consequences that should be considered. These challenges include access to the internet and equipment for youth and families; technical difficulties with virtual hearings; diminished engagement by the youth, families, and the parties; and difficulties in building rapport with youths and families which is a critical component of juvenile court proceedings.

3. Utilize assistance by judicial officers from other districts.

Judicial assistance in the Sixth District could be provided by judges from other districts, particularly the Seventh District due to the geographical proximity, similar communities, and the

capacity of judges in the Seventh District. The FY21 Judicial Weighted Caseload report for the Seventh District indicates excess capacity of .7 judicial officers in district court and .9 judicial officers in juvenile court. Judicial assistance could be used for juvenile or district court cases, thus enabling district and juvenile court judges in the Sixth District to exclusively handle cases at their court level.

The Seventh District's benches and teams have consistently been willing to assist in other districts as needed. Since April 2019, judges in the Seventh District have been assigned to eight cases in the Sixth District with two of those being in juvenile court. The Sixth District has also utilized senior judges for juvenile court cases on eight occasions in FY21.

Practical and Logistical Limitations:

- Similar to the need analysis, the capacity for assistance from judges in other districts should be evaluated beyond the raw numbers indicated in the weighted caseload reports. For example, the Seventh District has comparable geographical and travel challenges to the Sixth District. Each of the two juvenile court judges primarily serves in one of two distinct areas of the district which are separated by 2-3 hours of driving time each way. Additionally, and partly due to the distances, juvenile court judges in the Seventh District spend approximately 25% of their time on district court work equaling the workload of .5 of a judicial officer.
- Ad hoc judicial assistance in juvenile court is contradictory to the nationally recognized evidence-based practice of one judge/one family which is the foundation for the effectiveness of juvenile courts. Coverage of cases by a judge who is not intimately familiar with the youth and family affects the quality of decisions and services provided.
- Coverage of cases by judges from the Seventh District causes scheduling issues and statutorily-mandated timeline violations for those judges as well as for the scarce number of court-appointed attorneys and other team members involved in their juvenile court cases.